

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 8/05/03.

### **I. DISPUTE**

Whether there should be additional reimbursement for date of service 3/04/03. The Carrier denied additional reimbursement as "F – Fee Guideline MAR Reduction."

### **II. RATIONALE**

Per Rule 134.503(a)(2)(B), the formula utilized for brand medications is AWP 60 pills is \$50.05 x 1.09 = \$54.55 + \$4.00 = \$58.55. The Respondent reimbursed the Requestor \$33.43 which is \$25.12 less than the MAR value for this brand drug. Therefore, additional reimbursement of \$25.12 is recommended (\$58.55 MAR - \$33.43 Carrier reimbursement = \$25.12).

### **III. DECISION & ORDER**

Based upon the review of the disputed healthcare services within this request, the Division has determined that the Requestor is entitled to reimbursement in the amount of \$25.12. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit \$25.12 plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 18<sup>th</sup> day of February 2004.

Pat DeVries  
Medical Dispute Resolution Officer  
Medical Review Division

PD/pd